

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 848 OF 2022

Vijay Ratan Nagdeve .Vs. State of Maharashtra, thr. Police Station Sitabuldi, PS Sitabuldi, Nagpur, Dist. Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.N. Ali, Advocate for the appellant.

Shri V.A.Thakre, A.P.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.
DATED : 06/12/2022

1. Heard.
2. Admit
3. Call for record and proceedings.
4. Shri V.A.Thakre, learned APP waives service of notice for the respondent/State.

CRIMINAL APPLICATION (APPA) NO. 1105/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellant/applicant is convicted for the offence punishable under Section 393 of the Indian Penal Code, 1860, and he is sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs. 5,000/-, in default to suffer further imprisonment for two months. The above said fine amount was reported to be deposited by the appellant/applicant.

7. After going through the judgment, I am of the opinion that it is necessary to re-look the matter afresh. It is also submitted that the appellants/applicants were on bail during pendency of the trial.

8. In that view of the matter, I pass the following order:

- i) The Criminal Application is **allowed**.
- ii) The sentence imposed on the appellant/applicant by impugned judgment and order dated 07/11/2022 is suspended.
- iii) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iv) Bail before the lower Court.

The Criminal Application is **disposed of** accordingly.

JUDGE